

SJ-EXHIBIT 43

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 _____) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 FRIDAY, NOVEMBER 13, 2020

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Remote videotaped deposition of
18 Drug Enforcement Agency 30(b)(6) designee
19 Claire Brennan, held at the location of the
20 witness commencing at 10:05 a.m. Eastern
21 Time, on the above date, before Carrie A.
22 Campbell, Registered Diplomate Reporter
23 and Certified Realtime Reporter.

24 - - -

25 GOLKOW LITIGATION SERVICES
26 877.370.3377 ph | 917.591.5672 fax
27 deps@golkow.com

1 MR. JACO: Objection. Form.

2 THE WITNESS: Yes, we're
3 required to look at -- investigate
4 distributors on site.

5 QUESTIONS BY MS. SWIFT:

6 Q. And that's not a sign that a
7 company is necessarily doing anything wrong.
8 Everybody gets investigated whether they're
9 doing anything wrong or not, fair?

10 A. Yes.

11 Q. Would you agree with me that
12 it's important -- strike that.

13 Would you agree that the
14 on-site investigations that diversion
15 investigators conduct are important so that
16 the DEA can make sure distributors are
17 complying with the laws and regulations?

18 MR. JACO: Objection. Form.

19 THE WITNESS: Yes, I would
20 agree that it's for all registrants.

21 QUESTIONS BY MS. SWIFT:

22 Q. Would you agree with me that
23 on-site investigations of distributors are
24 also important to fulfill DEA's mission of
25 preventing diversion?

1 yes.

2 Q. Do you believe that the
3 diversion investigators at the DEA do a
4 careful, thorough job when documenting their
5 findings during investigations?

6 A. DEA expects that an
7 investigation would be documented.

8 Q. When a diversion investigator
9 finds a problem at a distribution center, do
10 they document it, typically?

11 MR. JACO: Objection. Form.

12 THE WITNESS: Typically the
13 problem would be documented.

14 QUESTIONS BY MS. SWIFT:

15 Q. And if a diversion investigator
16 sees a violation of the laws and regulations,
17 is it typical for the diversion investigator
18 to document that as a part of an
19 investigation?

20 MR. JACO: Objection. Form.

21 THE WITNESS: Yes, it's typical
22 that a violation would be documented.

23 (Brennan 30(b)(6) Exhibit 20
24 marked for identification.)
25

1 QUESTIONS BY MS. SWIFT:

2 Q. And when you say "go out every
3 so many years to a registrant," you mean the
4 diversion investigator's actually going to
5 the distribution center and conducting an
6 investigation to make sure they're following
7 the laws, fair?

8 MR. JACO: Objection. Form.
9 You can answer.

10 THE WITNESS: Yes.

11 QUESTIONS BY MS. SWIFT:

12 Q. And I believe you already
13 testified that the purpose of the cyclic
14 investigations that DEA conducts is to make
15 sure that distributors are following DEA
16 regulations in distributing controlled
17 substances such as opioids; is that fair?

18 A. Yes.

19 Q. Is it standard operating
20 procedure at the DEA for the diversion
21 investigator to create a report of the cyclic
22 investigations they conduct?

23 A. It's a requirement, yes.

24 Q. Do DEA's investigation reports
25 typically follow a standard format?

1 A. Yes.

2 Q. The DEA's investigation reports
3 typically address a standard set of issues to
4 make sure the DEA investigator is covering
5 each of those issues in the investigation; is
6 that fair?

7 MR. JACO: Objection. Form.

8 You can answer.

9 THE WITNESS: Yes.

10 QUESTIONS BY MS. SWIFT:

11 Q. Is it a DEA requirement that
12 DEA investigators document certain things
13 when they conduct their investigations?

14 A. Yes, we have -- that's part of
15 the standard format.

16 Q. Is one of the goals of the
17 DEA's investigations to try to make sure that
18 pharmacy distributors are following DEA
19 regulations to the letter?

20 A. It would be to ensure that
21 they're following the regulations.

22 Q. And DEA wants distributors to
23 do that -- DEA wants distributors to dot
24 every I and cross every T when it comes to
25 following those regulations, right?

1 MR. JACO: Objection. Form.

2 THE WITNESS: Without

3 knowing -- without seeing every single
4 investigation, it's hard to say.

5 QUESTIONS BY MS. SWIFT:

6 Q. Is it fair to say that the
7 diversion investigator is going to document
8 violations discovered during an investigation
9 whether they're big or small?

10 MR. JACO: Objection. Form.

11 THE WITNESS: The expectation
12 of DEA would be that.

13 QUESTIONS BY MS. SWIFT:

14 Q. And sometimes the violations
15 that a diversion investigator identifies
16 during an investigation involves things like
17 records not being filled out exactly the
18 right way; is that fair?

19 MR. JACO: Objection. Form.

20 THE WITNESS: Yes.

21 QUESTIONS BY MS. SWIFT:

22 Q. When that happens, the
23 investigator documents it, right?

24 A. That would be DEA's
25 expectation.

1 or documents to verify what Walgreens'
2 position is during those interviews?

3 MR. JACO: Objection. Form.

4 You can answer.

5 THE WITNESS: A diversion
6 investigator would have the ability to
7 review any documents that they're --
8 that they're required to keep
9 according to the regulations.

10 QUESTIONS BY MR. MOUGEY:

11 Q. How long does a -- is there a
12 standard or a typical time period that one of
13 these audits or investigations take place? I
14 mean, is it a few days? A week?

15 A. It can all be dependent upon
16 the size of the company, you know, of the
17 registrant, how many diversion investigators
18 are there and how quickly they're able to
19 provide records.

20 Q. So let's just take Walgreens,
21 which is -- I would assume is one of the
22 larger companies that the DEA dealt with in
23 its role of performing an audit from the DIs,
24 correct?

25 A. It would be probably among some

1 this morning about what diversion
2 investigators do when they go on site to
3 conduct a cyclic investigation.

4 Do you remember those
5 questions?

6 A. Yes.

7 Q. And then plaintiffs' counsel
8 asked you questions about, well, wouldn't you
9 have liked to know about all these other
10 things.

11 Do you remember those
12 questions?

13 A. Yes.

14 Q. Is it a fair statement that a
15 diversion investigator who goes on site to
16 investigate a distribution center can ask to
17 talk to whoever they want to talk to?

18 A. Yes.

19 Q. Is it a fair statement that the
20 diversion investigators can request whatever
21 documents they need to conduct their
22 investigation?

23 A. Yes.

24 Q. Do the diversion investigators
25 have the leeway to ask as many questions as